

ASSEMBLY BILL

No. 452

Introduced by Assembly Member Yamada

February 24, 2009

An act to add Section 12318 to the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 452, as introduced, Yamada. In-home supportive services: California Independence Act of 2009.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, either through employment by the recipient or by or through contract by the county, qualified, aged, blind, and disabled persons receive services enabling them to remain in their own homes. Counties are responsible for the administration of the IHSS program.

This bill would establish the California Independence Program, a voluntary program for the provision of in-home supportive services to certain aged, blind, and disabled individuals who are otherwise ineligible for IHSS services. The bill would make recipients and providers of services under the California Independence Program subject to specified requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 California Independence Act of 2009.
- 3 SEC. 2. The Legislature finds and declares as follows:

1 (a) California has a rapidly aging population According to the
2 Legislative Analyst's Office, between 2004 and 2010, the number
3 of Californians 65 years of age and older will increase by 2.4
4 percent per year, which will result in an increase of more than
5 604,000 Californians in this age group in just six years.

6 (b) The Department of Finance projects that the number of
7 Californians over 65 years of age, which was 3,627,284 in 2000,
8 will have grown to at least 4,526,578 by 2010.

9 (c) This explosion in our aging population will devastate
10 California's health care delivery system unless action is taken to
11 improve our ability to provide low-cost personal care services as
12 an alternative to acute care and nursing home stays.

13 SEC. 3. Section 12318 is added to the Welfare and Institutions
14 Code, to read:

15 12318. (a) The California Independence Program is hereby
16 established within the department. The program shall be voluntary,
17 operated at the discretion of counties for their public authorities.
18 The purpose of the California Independence Program is to allow
19 aged, blind, and disabled individuals who are otherwise ineligible
20 for services under this article to have access to a county's provider
21 registry services, at a reasonable fee, to be determined by the
22 county.

23 (b) A recipient or provider of services who participates in the
24 California Independence Program shall be subject to the following
25 requirements:

26 (1) Services shall be provided either by the consumer's preferred
27 worker or a worker selected from a registry of qualified providers
28 maintained by the public authority.

29 (2) Participants shall assist the public authority in recruiting
30 potential workers, available to California Independence Program
31 recipients and other recipients of services under this article.

32 (3) In order to prevent providers from selectively choosing the
33 most desirable clients, a provider who provides services under the
34 California Independence Program shall have at least six months
35 experience providing services under the IHSS program.

36 (4) A provider shall not intentionally leave employment with a
37 current IHSS client in order to be employed by a California
38 Independence Program recipient.

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